

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY**

REBEL STEINER AKERS,

Petitioner,

v.

CIVIL ACTION NO. 5:22-cv-00136

WARDEN HECKARD,

Respondent.

ORDER

Pending are Rebel Steiner Akers' Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241, Memorandum in Support, and Affidavit [Docs. 1-3], filed March 14, 2022. This action was previously referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). [Doc. 5]. Respondent filed his Response on April 13, 2022. [Doc. 9]. Magistrate Judge Aboulhosn filed his PF&R on April 8, 2024. [Doc. 13]. Magistrate Judge Aboulhosn recommended that the Court dismiss the Petitioner's 28 U.S.C. § 2241 for Writ of Habeas Corpus Petition and Memorandum in Support and remove it from the docket. [*Id.*]. The PF&R provides that Mr. Akers was released on February 2, 2024, and that "by virtue of Petitioner's release from custody, the Respondent can no longer provide the requested relief." [Doc. 13 at 2-3].

The Court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140 (1985); *see also* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations *to which objection is made.*" (emphasis

added)). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal the Court's order. *See* 28 U.S.C. § 636(b)(1); *see also United States v. De Leon-Ramirez*, 925 F.3d 177, 181 (4th Cir. 2019) (Parties may not typically "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); *Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989). Further, the Court need not conduct de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections in this case were due on April 25, 2024. [Doc. 13]. No objections were filed.¹

Accordingly, the Court **ADOPTS** the PF&R [Doc. 13], **DENIES** the Petitioner's 28 U.S.C. § 2241 Petition [Doc. 1], and **DISMISSES** the matter.

The Court directs the Clerk to transmit a copy of this Order to any counsel of record and any unrepresented party.

ENTERED: April 29, 2024



Frank W. Volk
 Frank W. Volk
 United States District Judge

¹ On April 17, 2024, a notification of "Mail Returned as Undeliverable" was filed noting the Proposed Findings and Recommendations sent to Petitioner at FCI Beckley was returned. The mail was not resent because Mr. Akers was released on February 2, 2024, and no address was available. [Doc. 14]. He is obliged to keep his contact information current.